

**MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD
9-23-10**

**STAFF REPORT
APPROVAL OF LETTER OF INTENT FOR THE
ROCK CREEK/KEEFER SLOUGH FEASIBILITY STUDY**

1.0 - ITEM

Consider approval of Resolution No. 10-42 (Attachment A) to:

- 1.1 Approve a Letter of Intent to participate, as a non-federal sponsor with the U.S. Army Corps of Engineers and the County of Butte, in the Rock Creek/Keefer Slough Feasibility Study in substantially the form attached hereto;
- 1.2 Delegate to the Board's Executive Officer the authority to sign the Letter of Intent in substantially the form attached hereto.

2.0 - PROJECT SPONSORS

Federal: U.S. Army Corps of Engineers, Sacramento District
State: Central Valley Flood Protection Board
Local: County of Butte

3.0 - LOCATION

The study area is located in Butte County and includes Rock Creek, Keefer Slough, portions of the City of Chico with an estimated population of 87,713, and the town of Nord (Attachment B).

4.0 - BACKGROUND

Rock Creek and Keefer Slough are uncontrolled streams that drain portions of the northern Sierra Nevada Mountain Range. Their west-southwest flows have been altered by leveling of fields and construction of new private levees. Recurrent floods have caused loss of property, disruption of commerce, and interruption of transportation communication. There has been a minimum of \$10,000,000 in damages (agricultural, residential, infrastructural and emergency response) at the four flooding events that occurred from 1995 through 2000). The cumulative agricultural land value loss exceeds \$14,000,000.

The study will identify flood risk management, recreational, and ecosystem restoration improvements up to at least a 200-year level of protection. The study will identify

structural and non-structural alternatives to increase flood protection levels and evaluate further federal interest in pursuing alternatives based upon costs, benefits, environmental effects, and local interest and support.

The Water Resources Development Act, Section 905(b) Analysis, (Reconnaissance Report) was finalized in 2010 and identified a federal interest in a project to warrant a feasibility study.

An Environmental Impact Study/Environmental Impact Report will be prepared as part of the study.

5.0 - AUTHORIZATIONS:

Federal: Flood Control Act 1962 (PL 87-874, Section 209).

State: California Water Code Section 8615.

6.0 – ESTIMATED COSTS:

The study will be cost shared at a 50/50 split between the federal and non-federal sponsors. The non-federal share will be split 50/50 between the State and Local sponsor. The projected total costs are \$3,125,000. The federal, State, and Local sponsor's estimated contribution is \$1,562,500, \$781,250, and \$781,250 respectively.

7.0 - STAFF RECOMMENDATION:

Staff recommends that the Board approve Resolution No. 10-42 which will:

- Approve a Letter of Intent to participate, as a non-federal sponsor, with the U.S. Army Corps of Engineers and the County of Butte, in the Rock Creek/Keefer Slough Feasibility Study in substantially the form attached hereto;
- Delegate to the Board's Executive Officer the authority to sign the Letter of Intent in substantially the form attached hereto.

8.0 - LIST OF ATTACHMENTS:

- A. Board Resolution No. 10-42
- B. Location Map
- C. Letter of Intent by State
- D. Letter of Intent by County of Butte

STATE OF CALIFORNIA
THE NATURAL RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD

RESOLUTION NO. 10-42

LETTER OF INTENT TO PARTICIPATE IN
THE ROCK CREEK/KEEFER SLOUGH FEASIBILITY STUDY

WHEREAS, the Rock Creek/Keefer Slough Feasibility Study was authorized by Section 209 of the Flood Control Act of 1962 (Public Law 87-874); and

WHEREAS, Congress has authorized the U.S. Army Corps of Engineers (USACE) to conduct a study of flood control pursuant to Section 209 of the Flood Control Act of 1962 (Public Law 87-874); and

WHEREAS, the State of California, the Reclamation Board, now known as the Central Valley Flood Protection Board (Board) participation is authorized by Section 8615 of the Water Code; and

WHEREAS, the Board, USACE and the County of Butte wish to enter into a cost sharing agreement for the purpose of conducting a feasibility study for the Rock Creek and Keefer Slough, Butte County, Nord area to investigate flood damage reduction, ecosystem restoration, and recreation opportunities; and

WHEREAS, USACE provided the total feasibility costs estimate of \$3,125,000 which will be cost shared at a 50/50 cost split between USACE and the non-federal sponsors at \$1,562,500 each, the non-federal portion will be cost shared at 50/50 cost split between the

Board and the County of Butte at \$781,250 each;

WHEREAS, section 225 of the Water Resources Development Act of 2000, Public Law 106-541, amends section 105(a)(1)(E) of the Water Resources Development Act of 1986, Public Law 99-662 (33 U.S.C. section 2215(a)(1)(e)) to allow the local sponsors to provide their entire share of the study costs through the provisions of in-kind services; and

WHEREAS, the Board's eventual participation in the project is subject to the successful completion of the California Environmental Quality Act (CEQA) process.

NOW, THEREFORE, LET IT BE RESOLVED that the Central Valley Flood Protection Board:

- 1) Approves a Letter of Intent to participate, as a non-federal sponsor with the U.S. Army Corps of Engineers and County of Butte, in the Rock Creek/Keefer Slough Feasibility Study in substantially the form attached hereto.
- 2) Delegates to the Board's Executive Officer the authority to sign the Letter of Intent in substantially the form attached hereto.

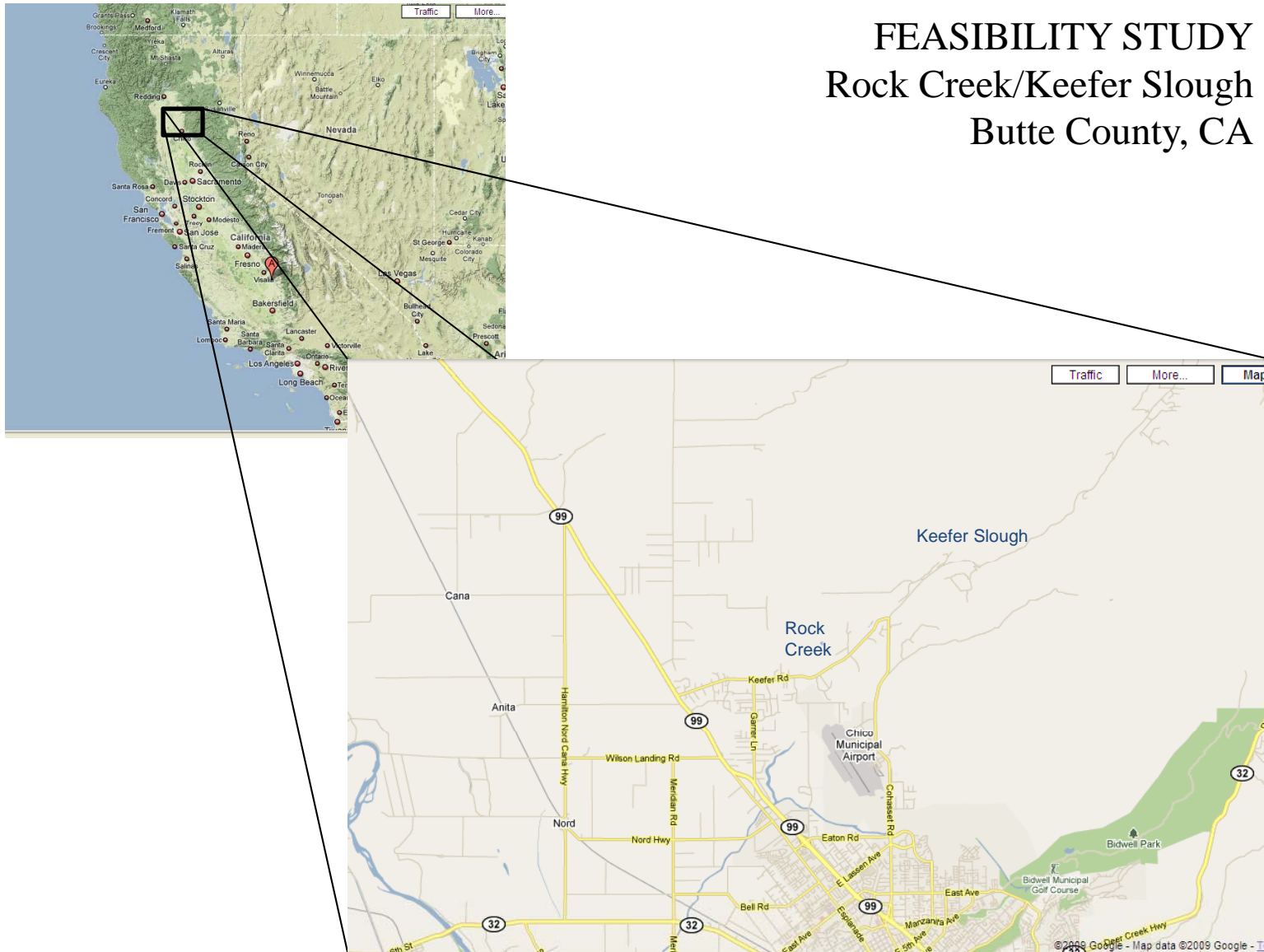
By: _____ Date: _____
Benjamin F. Carter
President

By: _____ Date: _____
Francis "Butch" Hodgkins
Secretary

Approved as to Legal Form and Sufficiency

Jeremy D. Goldberg
Legal Counsel
State of California, Department of Water Resources

FEASIBILITY STUDY Rock Creek/Keefer Slough Butte County, CA



CENTRAL VALLEY FLOOD PROTECTION BOARD

3310 El Camino Ave., Rm. 151
SACRAMENTO, CA 95821
(916) 574-0609 FAX: (916) 574-0682
PERMITS: (916) 574-0685 FAX: (916) 574-0682



September 23, 2010

Colonel William J. Leady
District Engineer
Sacramento District
U.S. Army Corps of Engineers
1325 J Street
Sacramento, California 95814-2922

Subject: Letter of Intent for the Rock Creek/Keefer Slough Feasibility Study

Dear Colonel Leady:

The State of California, Central Valley Flood Protection Board (Board) is confirming its interest to participate with the U.S. Army Corps of Engineers (USACE) as a non-federal sponsor with the County of Butte on the Rock Creek/Keefer Slough Feasibility Study.

The Board intends to participate with USACE in the Rock Creek/Keefer Slough Feasibility Study to identify structural and non-structural alternatives to increase flood protection levels and evaluate federal, State, and local interest in pursuing alternatives based on costs, benefits, social, and environmental effects. An Environmental Impact Study/Environmental Impact Report will be prepared as part of this study.

The Board is willing to pursue a cost shared feasibility study described in the Project Management Plan and share in the costs of the project's construction.

It is understood that this letter is not a binding commitment and the Board looks forward to working with USACE in initiation of these studies.

I can be reached at (916) 574-0609 or your staff may contact Robert E. Scarborough, Chief of USACE/CVFPB Feasibility Studies, at (916) 674-1042 or rscarbor@water.ca.gov, if you have any questions.

Sincerely,

Jay Punia
Executive Officer

cc: (See attached list).

cc: Mr. Mike Crump
Director
Department of Public Works
County of Butte
7 County Center Drive
Oroville, California 95965

Mr. David Vanrijn
Deputy
Civil Works
U.S. Army Corps of Engineers
1325 J Street
Sacramento, California 95814

Mr. Noel Lerner
Mr. Michael Sabbaghian
Mr. Robert Scarborough
Department of Water Resources



Department of Public Works

County of Butte

Attachment D

J. Michael Crump, *Director*
Shawn H. O'Brien, *Assistant Director*

7 County Center Drive
Oroville, CA 95965-3397
(530) 538-7681
(FAX) 538-7171

December 10, 2009

RECEIVED

DEC 15 2009

Colonel Thomas C. Chapman
Sacramento District Commander
Department of the Army
Corps of Engineers
1325 J Street
Sacramento, CA 95814-2922

**Re: Rock Creek-Keefer Slough Flood Protection Project Feasibility Study,
Butte County, California**

Dear Colonel Chapman:

Together with the Central Valley Flood Protection Board, Butte County hereby confirms our intent to participate as a non-Federal Sponsor to complete the Feasibility Study for the Rock Creek-Keefer Slough Flood Protection Project through the United States Army Corps of Engineers.

Many changes have been made on the design and features of flood control projects, since this Feasibility Study was initially started in 1999, and we expect the Study to modify the alternatives to a more ecosystem friendly, low maintenance, adaptive management approach to improving the floodways and ecosystem. The Study should serve as a forum to bring the diverse interests of the residential and agricultural landowners; Reclamation Districts; businesses; State Highways; emergency services and public agencies into a partnership to provide mutual flood protection.

Our sponsorship is subject to the determination of study costs, financial participants, funding and the negotiation of cost-sharing agreements. We understand that this Letter of Intent is not a binding commitment by Butte County with the Corps.

If you should have any questions concerning this matter, please contact this office Monday through Friday, 7:30 a.m. to 4:30 p.m. at (530) 538-7681.

Sincerely,

Mike Crump, P.E.
Director of Public Works

cc: The Honorable Board of Supervisors
Jay Punia, General Manager, Central Valley Flood Protection Board,
3310 El Camino Blvd., Sacramento, CA 95821
Tim Kelleher, Project Manager, U.S. Army Corps of Engineers, 1325 J Street,
Sacramento, CA 95814-2922
Efrain Escutia, Feasibility Studies Section, Department of Water Resources,
3310 El Camino Avenue, Suite 140, Sacramento, CA 95821-9000